IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Bunti Kumar Prajapat
Versus
State and ors.

S.B. CIVIL WRIT PETITION NO.1305/2006

Date of Order : 14/5/2007.

PRESENT

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri R.K. Mathur for the petitioner.
Shri B.S. Chhaba, Deputy Government Advocate for the State.
Shri R.D. Tripathi for respondent No.3.

******

Heard learned counsel for the parties.

The petitioner has challenged the order dated 28/1/2006 (Annexure-8) whereby the allotment of Fair Price Shop has been made earlier in favour of the petitioner has been cancelled and the respondents have allotted the fair price shop to respondent No.3. Learned counsel for the

petitioner argued that respondent No.3 was not entitled for allotment of the fair price shop as he was not the resident of the area and the area in which he is residing, Fair Price Shop No.365A is already running but respondent No.2 has illegally made allotment of the Fair Price Shop to respondent No.3 cancelling the allotment of the petitioner. It was argued that the impugned-order therefore, being illegal is liable to be set-aside.

On hearing learned counsel for the petitioner and perusing the impugned-order, I find that there is a provision of revision under the provisions of Clause 22A of the Rajasthan Foodgrains & Other Essential Articles (Regulation of Distribution) Order, 1976 to the Food Commissioner. In the face of alternative remedy of revision, I do not find any extraordinary reason to entertain this writ petition.

If the petitioner is aggrieved by the allotment order made in favour of respondent No.3, appropriate remedy for

him to challenge the same and to file revision petition before Food Commissioner under Clause 22A of the Rajasthan Foodgrains & Other Essential Articles (Regulation of Distribution) Order, 1976. If the revision petition is filed, the concerned authority shall decide the same after hearing petitioner as well as respondent No.3 in accordance with law as early as possible but not later than three months from the date of filing of the same.

With this observation, the writ petition is dismissed.

(MOHAMMAD RAFIQ), J.

anil